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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,883	04/24/2001	Masao Mougi	16869P025800	6133

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/841,883	<b>Applicant(s)</b> MOUGI ET AL.	
	<b>Examiner</b> Salvatore Cangialosi	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/30/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 18-32 are rejected under 35 U.S.C. § 103 as being unpatentable over Ginter et al (5892900) in view of Horstmann (6009401).

Regarding claim 18, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55 (user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue

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a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 19, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key

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for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations a Regarding claim 20, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of

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user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations. Regarding the program limitations of claim 21, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by

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merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations. Regarding the program limitations of claim 22, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data including storage which is the functional equivalents of the claim limitations. Regarding claim 23, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting

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to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 24, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal

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information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 25, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines

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20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 26, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be

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used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 27, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing

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certain confidential user information from being written to data structures that will be reported to third parties)) disclose method for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 28, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data

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structures that will be reported to third parties)) disclose method for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 29, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose

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method for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use.

Regarding the license limitations of claim 30, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55(user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue

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a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data including license which is the functional equivalents of the claim limitations. Regarding claim 31, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55 (user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose method for a server to issue a license to a client upon verification and issuing a license key (including trial use) for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to

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provide a similar arrangement for Ginter et al because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding the license limitations of claim 32, Ginter et al (See abstract, Figs. 1, 2, 53a, Col. 43, lines 20-55 (user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network involving multiple parties and restrictions placed on the transmission of user data including license which is the functional equivalents of the claim limitations.

**Examiner's Note:** Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as

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well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments dated 11/30/05 have been considered but are not persuasive of error. The applicants appear to disregard the clear teaching that confidential, personal information regarding detailed usage behavior), col. 47, lines 20-55, col. 196, lines 45-67, Col. 197, lines 1-5 (thus may be used to implement privacy filters by, for example, preventing certain confidential user information from being written to data structures that will be reported to third parties)) is not shared with a licensing computer. Applicants have clearly failed to grasp the teachings of Ginter et al.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

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date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

**Any response to this action should be mailed to:**

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P.O. Box 1450  
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*Salvatore Caraculisti*  
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